

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1628 Session of
1977

INTRODUCED BY RAVENSTAHL, CAPUTO, GEISLER, LOGUE AND
M. M. MULLEN, AUGUST 17, 1977

REFERRED TO COMMITTEE ON LIQUOR CONTROL, AUGUST 17, 1977

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 authorizing the use of driver's licenses as a means of
18 identification.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 495, act of April 12, 1951 (P.L.90,
22 No.21), known as the "Liquor Code," amended August 12, 1961
23 (P.L.1015, No.456), and subsection (a) amended December 10, 1974
24 (P.L.912, No.301), is amended to read:

25 Section 495. Identification Cards; Licensees and State
26 Liquor Store Employes Saved From Prosecution.--(a) The board

1 shall issue, to any person who shall have attained the age of
2 twenty-one years, an identification card bearing said person's
3 date of birth, physical description, photograph, signature, and
4 such other information, as the board by regulation may
5 determine, attesting to the age of the applicant, upon
6 application therefor by said person, filed no earlier than
7 fifteen days prior to attaining the age of twenty-one. Such
8 cards shall be numbered and a record thereof maintained by the
9 board for a period of five years. The board may, in its
10 discretion, impose a charge for such cards in an amount to be
11 determined by it, and it may, upon proof of loss of such
12 identification card by and upon application of anyone to whom
13 such card may have been issued, issue a duplicate thereof and
14 impose a charge therefor in an amount as it may by regulation
15 prescribe. The board shall have the power to make such
16 regulations as it shall, from time to time, deem proper
17 regarding the size, style and additional content of the
18 identification card, the form and content of any application
19 therefor, the type, style and quantity of proof required to
20 verify the applicant's age, the procedure for receiving and
21 processing such application, the distribution of said card, the
22 charge to be imposed for any card more than one that it shall
23 issue to the same applicant, and all other matters the board
24 shall deem necessary or advisable for the purpose of carrying
25 into effect the provisions of this section.

26 (b) Such identification card, as described in subsection
27 (a), or a driver's license, which contains a color photograph,
28 issued by the Department of Transportation of the Commonwealth
29 of Pennsylvania pursuant to 75 Pa.C.S. § 1510(a), to a person
30 twenty-one years of age or over, shall be presented by the

1 holder thereof upon request of any State Liquor Store or any
2 licensee, or the servant, agent or employe thereof, for the
3 purpose of aiding such store licensee or the servant, agent or
4 employe to determine whether or not such person is twenty-one
5 years of age and upwards, when such person desires alcoholic
6 beverage at a State Liquor Store or licensed establishment.

7 (c) In addition to the presentation of such identification
8 card or driver's license, the agent of the State Liquor Store or
9 the licensee or his servant, agent or employe, shall require the
10 person whose age may be in question to fill in and sign a card
11 in the following form:

12 19
13 I,....., hereby represent
14 to, a State Store or
15 licensee of the Pennsylvania Liquor Control Board, that I am of
16 full age and discretion and over the age of 21 years, having
17 been born on 19..... at

18 This statement is made to induce said store or licensee above
19 named to sell or otherwise furnish alcoholic beverages to the
20 undersigned.

21 Serial Number of Identification Card:

22 Driver's License Number:

23 I understand that I am subject to a fine of \$300.00 and
24 sixty days imprisonment for any misrepresentation herein.

25

26 (Name)

27

28 (Address)

29 Witness:

30 Name.....

1 Address.....

2 Such statement shall be printed upon a 3 inch by 5 inch or 4
3 inch by 5 inch file card, which card shall be filed
4 alphabetically by the State Liquor Store or licensee, at or
5 before the close of business on the day of which said
6 certificate is executed, in a file box containing a suitable
7 alphabetical index, and which card shall be subject to
8 examination by any officer, agent or employe of the Liquor
9 Control Board at any and all times.

10 (d) It shall be unlawful for the owner of an identification
11 card, as defined by this act, or a driver's license, as defined
12 in 75 Pa.C.S. § 1510(a), to transfer said card or license to any
13 other person for the purpose of aiding such person to secure
14 alcoholic beverage. Any person who shall transfer such
15 identification card or driver's license for the purpose of
16 aiding such transferee to obtain alcoholic beverage shall be
17 guilty of a misdemeanor and, upon conviction thereof, shall be
18 sentenced to pay a fine of not more than three hundred dollars
19 (\$300), or undergo imprisonment for not more than sixty (60)
20 days. Any person not entitled thereto who shall have unlawfully
21 procured or have issued or transferred to him, as aforesaid,
22 such identification card or unlawfully procured or have
23 transferred to him such driver's license or any person who shall
24 make any false statement on any card required by subsection (c)
25 hereof to be signed by him shall be guilty of a misdemeanor and,
26 upon conviction thereof, shall be sentenced to pay a fine of not
27 more than three hundred dollars (\$300), or undergo imprisonment
28 for not more than sixty (60) days.

29 (e) The signed statement in the possession of a licensee or
30 an employe of a State Liquor Store may be offered as a defense

1 in all civil and criminal prosecutions for serving a minor, and
2 no penalty shall be imposed if the Liquor Control Board or the
3 courts are satisfied that the licensee or State Liquor Store
4 employe acted in good faith.

5 (f) Any person who shall fraudulently make, forge, alter,
6 counterfeit or otherwise duplicate or who shall attempt to make,
7 forge, alter, counterfeit or otherwise duplicate the form of an
8 identification card, as provided for in subsection (a) or any
9 person who causes or procures to be fraudulently made, forged,
10 altered, counterfeited, or duplicated the form of an
11 identification card, or who shall knowingly and willingly
12 possess, publish, purchase, sell, distribute, tender, utter or
13 use any such forged, altered, counterfeited or duplicated form
14 of identification card, shall be guilty of a felony of the
15 second degree.

16 Section 2. This act shall take effect in 60 days.